

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
MARCH 24, 2015**

**MAYOR’S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of January 2, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ronald Dobies (absent)
Council President	Sean Kaplan
	Kevin Dotey
	Stephen Greco
	John Madden
	Bob Schueler
	Jack Mikolajczyk
Attorney:	Aravind Aithal

<b>PROCLAMATIONS-NONE</b>
<b>APPOINTMENTS-NONE</b>
<b>PRESENTATIONS - NONE</b>
<b>PUBLIC HEARING - NONE</b>
<b>NEW BUSINESS</b>

The Borough Clerk read Ordinance No. 1872-15 by title for introduction.

**ORDINANCE NO. 1872-15**

**BOROUGH OF MIDDLESEX  
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2015  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

**WHEREAS**, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2015 budget by up to 3.5 % over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$237,692.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

**WHEREAS**, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$415,961.77 and that the CY 2015 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman Schueler moved for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

---

The Borough Clerk read Ordinance No. 1873-15 by title for introduction.

#### **ORDINANCE NO. 1873-15**

#### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 48, BOARD OF HEALTH TO INCLUDE SECTION 48-6 POWERS**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

**SECTION ONE.** The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to include the following:

#### **CHAPTER 48: Board of Health**

#### **Section 48-6 Powers**

The Borough of Middlesex Board of Health shall have power to pass, alter or amend ordinances and make rules and regulations in regard to the public health within its jurisdiction for the purposes enumerated in N.J.S.A. 26:3-31 et seq., and any amendments thereto.

**SECTION TWO.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION THREE.** This Ordinance may be renumbered for codification purposes.

**SECTION FOUR.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION FIVE.** This Ordinance shall take effect after passage and publication as provided by law.

Councilman Dotey moved for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

---

The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #89-15**

**BOROUGH OF MIDDLESEX  
MIDDLESEX COUNTY, NEW JERSEY  
BUDGET INTRODUCTION**

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2015.

**BE IT RESOLVED**, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2015;

**BE IT FURTHER RESOLVED** that said Budget be published in the Courier News, New Jersey in the issue of April 14, 2015.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2015:

General Appropriations:	
Appropriations Within "CAPS"	\$12,141,478.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	4,439,903.06
Municipal Purposes	
Reserve for Uncollected Taxes – Based on	
Estimated 98+ Percent of Taxes Collections	<u>875,000.00</u>
Total General Appropriations	17,456,381.06
Less: Anticipated Revenues Other Than Current	
Property Taxes	<u>5,369,926.00</u>
Difference: Amount to be Raised by Taxes	
For Support of Municipal Budget:	
a)Local Tax for Municipal Purposes Including	
Reserve for Uncollected Taxes	<u>\$11,619,410.80</u>
b)Municipal Library Tax	<u>\$ 467,044.26</u>
<u>Swimming Pool Utility Operating Fund</u>	
Total Swimming Pool Revenues	<u>\$ 394,324.00</u>
Total Swimming Appropriations	<u>\$ 394,324.00</u>

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, on March 24, 2015.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 28, 2015 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2015 may be presented by taxpayers or other interested persons.

Council President Kaplan indicated that the budget has been introduced with a 5 point tax increase, which amounts to \$48.88 for the average homeowner assessed at \$92,000. The amount to be raised by taxation is \$11,619,410.80. The borough is under the 2% cap levy this

year by \$82,602.00 and we anticipate a surplus of \$1,019,770 for 2015. The hearing and adoption for the budget is scheduled for April 28, 2015. Council President Kaplan requested that any council questions should be e-mailed to the Finance Committee as soon as possible.

---

### **ADOPTION OF MINUTES**

Councilman Schueler moved to approve the March 10, 2015 Regular Meeting Minutes and the March 12, 2015 and March 14, 2015 Executive Session Meeting Minutes seconded by Councilman Mikolajczyk and carried by a unanimous vote of Council.

---

### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance
  - A. Council President Kaplan indicated that hard work was done on the budget that was introduced tonight and he thanked the Mayor and Finance Committee for their help.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Greco stated that the Easter Egg Hunt is scheduled for March 28, 2015 at 3pm for children under 9 years old. Also, the Little League opening day is scheduled for April 4<sup>th</sup> at 12:30 at the Little League Field and will honor the citizens and businesses that have supported the Little League.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Councilman Dotey circulated to council the “No Fracking” ordinance and requested that council provide him with comments to bring back to the Board of Health.
  - B. Councilman Dotey received the volunteer Fire Department Report and indicated that they received 279 calls last year and our volunteers accumulated over 13,000 total hours between calls, meetings and details. Councilman Dotey stated that they appreciate when they get equipment to do their job and keep us safe.
4. Public Works/Parks/Sanitation/Recycling
  - A. Councilman Schueler stated that the DPW has completed the new street signs townwide. A few of the signs had to be replaced due to traffic damage from the last set of big storms.
  - B. The borough has received 4 – 5 tons of cold patch to relieve the pothole issues.
  - C. Councilman Schueler reported that the street sweeper is being prepped so that it can begin cleaning streets.
  - D. Councilman Schueler stated that the DPW has completed the moves in Borough Hall this week.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
  - A. Councilman Madden moved to approve the February, 2015 Police Department Report seconded by Councilman Greco and carried by a unanimous vote of Council.
  - B. Councilman Madden stated that he received the February, 2015 Municipal Court Report. This will be circulated to council to approve at the April 14, 2015 Meeting.
6. Administration/Department of Senior Services/Legislation/Licensing
  - A. Councilman Mikolajczyk mentioned that the HUD grant for 2015 has been received by Middlesex County and they authorized submission of the proposed projects to HUD in the Consolidated Plan. The funding authorized was the amount of \$48,921. The HUD Committee will hold a meeting to discuss the unexpended monies that are remaining in their account from previous projects.
  - B. The Board of Education introduced their 2015 Budget at cap with security features to be done to all five schools.

---

## REPORTS

### Mayor

1. Council President Kaplan reported that we received a letter from the President of the Middlesex Borough Business and Professional Association tonight. Also, he mentioned that there will be a meeting with the Association on April 2 to get input regarding the sewer user's fees. Council President Kaplan mentioned that he sent an e-mail to council on January 13, 2015 and requested any input from the Council with regard to the next step and requested responses be directed to him and copy the committee. If needed, Council President Kaplan would resend this e-mail.
2. Attorney Aithal discussed the New Jersey Supreme Court Order signed on March 10, 2015 that requires municipalities to move forward with the third round proposed by COAH which requires the municipality to prepare a plan to file with the Superior Court for Certification. Attorney Aithal indicated that if this plan is not completed, the borough's zoning laws would be invalidated. Attorney Aithal requested that council consider engaging the borough planner to prepare this housing plan. A resolution authorizing Mr. Ricci to move forward with this plan is approved below.

---

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

### **Consent Agenda 2014(G)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex does not wish to remove any resolutions from this Consent Agenda.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

### Resolution #90-15 – Resolution #91-15

Councilman Dotey made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

---

The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

### **Resolution #90-15**

**WHEREAS**, an emergent condition has arisen with respect to providing temporary appropriations sufficient to cover commitments made during the period of January 1, 2015 to the date of adoption of the annual budget and no adequate provision has been made in the 2015 temporary appropriations to cover such commitments, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose of covering such commitments; and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2015 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$12,781,622.72 for the Current Fund Budget, \$258,000.00 for the Swimming Pool Utility Budget;

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all of the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A.

Appropriations Current Fund	Account	Salaries & Wages	Other Expenses
<b>General Government</b>			
Administrator	20-1001	\$50,000.00	\$1,000.00
Mayor & Council	20-1101	\$6,000.00	\$5,000.00
Municipal Clerk	20-1231	\$70,000.00	\$2,000.00
Printing & Advertising	20-1202		
Postage	20-1222		\$7,000.00
Elections	20-1242		\$6,000.00
Finance Administration	20-1301	\$40,000.00	\$10,000.00
Computer Services	20-1401	\$42,000.00	\$46,000.00
Revenue Administration	20-1451	\$35,000.00	\$5,500.00
Assessment of Taxes	20-1501	\$15,000.00	\$1,000.00
Legal Services	20-1551		\$50,000.00
Engineering Services	20-1652		\$25,000.00
Planning Board	21-1802		\$20,000.00
Zoning Board	21-1852		\$6,000.00
Code Enforcement	21-1872	\$15,000.00	\$7,000.00
Liability Insurance	23-2102		\$140,000.00
Worker's Comp Insurance	23-2152		\$125,000.00
Group Insurance	23-2202		\$942,447.00
Temp Disability Insurance	23-2122		\$15,000.00
Longterm Disability Insur	23-2132		\$10,000.00
<b>Public Safety</b>			
Police	25-2401	\$1,400,000.00	\$73,000.00
Juvenile	25-2411	\$950.00	\$250.00
Emergency Management	25-2521		\$7,000.00
Fire Department	25-2652		\$60,000.00
Fire Hydrants	25-2572		\$95,000.00
Prosecutor	25-2752	\$11,000.00	
<b>Public Works</b>			
Streets & Roads	26-2901	\$200,000.00	\$55,000.00
Shade Tree	26-3001	\$1,100.00	\$22,000.00
Solid Waste	25-3051	\$40,000.00	
Garbage	25-3071	\$400,000.00	\$25,000.00
Building & Grounds	25-3101		\$40,000.00
Rescue Squad Rental	25-3082		\$3,000.00
Sewers	31-4551	\$29,000.00	\$20,000.00
Stormwater Regulations	41-7160		\$1,500.00
<b>Health &amp; Human Services</b>			
Board of Health	27-3301	\$3,400.00	\$25,000.00
Animal Control	27-3453		\$15,000.00
<b>Parks &amp; Recreations</b>			
Recreation	28-3701	\$35,000.00	

Celebration of Public Events	30-4200		\$20,000.00
Parks & Playgrounds	28-3751	\$105,000.00	\$9,000.00
Sr Citizen Bus Transportation	28-3721		\$1,000.00
Sr Nutrition	28-3791	\$6,000.00	
Title III	28-3781	\$14,000.00	
Medical Transportation	28-3761	\$4,000.00	
Sr Citizen Coordinator	28-3731	\$30,000.00	\$2,000.00

**Utility Expenses**

Electricity	31-4302		\$80,000.00
Street Lighting	31-4352		\$78,000.00
Telephone	31-4402		\$33,000.00
Water	31-4452		\$17,000.00
Natural Gas	31-4462		\$10,000.00
Fuel Oil (Diesel)	31-4472		\$15,000.00
Gasoline	31-4602		\$13,000.00

**Other Operating**

Landfill	32-4652		\$190,000.00
Construction	22-1951	\$65,000.00	\$2,000.00
Municipal Court	43-4901	\$55,000.00	\$3,500.00
Library	29-3902		\$200,000.00
Utility Authority	25-3122		\$400,000.00
Piscataway Sewer	25-3112		\$130,000.00
Curbside Recycling	36-4766		\$50,000.00

**Statutory Expenses**

Social Security	36-4722		\$130,000.00
DCRP CoMatch	36-4732		\$6,000.00

**State & Federal Grants**

Drug Alliance	41-7032		\$7,000.00
Older American	41-7092	\$5,000.00	
Body Armor	41-7042		\$2,946.19

<b>TOTAL CURRENT FUND</b>		<b>\$2,677,450.00</b>	<b>\$3,265,143.19</b>
---------------------------	--	-----------------------	-----------------------

**Swim Pool Utility**

Operating Appropriations	05-7001	\$120,000.00	\$68,000.00
--------------------------	---------	--------------	-------------

<b>TOTAL SWIM POOL</b>		<b>\$120,000.00</b>	<b>\$68,000.00</b>
------------------------	--	---------------------	--------------------

The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #91-15**

**RESOLUTION AUTHORIZING A SELF-EXAMINATION OF THE  
2015 MUNICIPAL BUDGET OF THE MAYOR AND COUNCIL OF  
THE BOROUGH OF MIDDLESEX**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to

the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Middlesex has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Middlesex that in accordance with N.J.A.C. 5:3-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement and content as required by Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimated of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth
  - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

---

The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #92-15**

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Dotey made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

---

The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #94-15**

Authorizing Paul Ricci of Ricciplanning to work on the COAH Housing Plan for \$120.00 per hour at a cost not to exceed \$5,000.

The Treasurer hereby certifies that funds in the amount of \$5,000 are available in Account No. 01-2010-21-1802-027.

Councilman Schueler made a motion for approval seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

---

**DISCUSSION ON AGENDA WORKSHOP ITEMS**

---

**PUBLIC COMMENTS**

Council President Kaplan opened the Public Portion of the meeting for any comments.

Dave Oliver, 216 Ashland Road is concerned about the speeding on Route 28, especially around the corner of Raritan Avenue.

Betty Platten, 4 Hooker Avenue questioned: (1) If the COAH was in effect when the Ostermann development was built; (2) The letter received from the business community; and (3) Who is Acting CFO and who will handle the self-examination of the budget.

John Hoffman, 455 Lincoln Boulevard discussed the (1) The run off of water on River Road; (2) The barrel in the street at the intersection of River Road; (3) Repairing the pot holes on South Avenue; (4) Two percent cap for the school budgt and how it affects the average taxpayer; (5) The pilot program and the percentage of funds that will come to the borough with regard to 150 Lincoln Boulevard; and (6) The speeding of vehicles on Lincoln Boulevard and Mountain Avenue.

Jessica Marinaccio, 321 Runyon Avenue mentioned the following: (1) Concerned that her home was burglarized and would like the borough to encourage a neighborhood watch; (2) Disappointed that her burglary was not posted on the police blotter; and (3) Would like the borough to consider establishing a system for reward based information (Crime Stoppers).

Council President Kaplan addressed all questions from the Public.

Seeing that there was no further public participation, Council President Kaplan closed the public portion of the meeting.

---

The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #93-15**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12

and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

- (1) Borough Tax Assessor
- (2) Status of Cell Tower

Councilman Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

---

### **ADJOURNMENT**

---

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Madden and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk